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REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-3, 6, 9-15, 18, and 21-36 are pending in the application. Claims 1, 13, 14, 25, and 34 have been amended. Claims 27 and 36 have been cancelled. Claims 30-33 have been withdrawn by the Examiner. The amendment is fully supported by the original disclosure. No new matter has been introduced. The above amendments were, in many instances, made to clarify Assignee's claims and do not narrow the scope of the amended claims. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments, in many instances.

Election/Restrictions

Claims 30-33 have been restricted and withdrawn by the Examiner under 37 CFR 1.142(b).

Assignee notes that the Office Action Summary lists only claims 30-33 as being withdrawn. Conversely, on page 2 of the Office Action, the Examiner additionally lists claims 13-15, 18, and 21-26 as being withdrawn. One of these listings is in error and Assignee submits the Examiner intended to only withdraw claims 30-33. This is apparent as the Examiner does not list claims 13-15, 18, or 21-26 in unelected Group II in the Restriction on page 2; the Examiner has provided no reasoning for restricting claims 13-15, 18, or 21-26; and the Examiner goes on to reject claims 13-15, 18, or 21-26 based on anticipation or obviousness. Accordingly, Assignee submits that claims 13-15, 18, and 21-26 are still currently pending.

Claim Rejections - 35 U.S.C. 102

Claims 1, 2, and 27-29 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,633,461 (hereinafter "Kakizaki").

Assignee respectfully submits that Kakizaki does not disclose all of the elements of independent claim 1. The Examiner is kindly reminded that the Examiner's initial burden of factually supporting any conclusion of anticipation includes that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (See MPEP § 2131.01.)

For example, Examiner has not established that Kakizaki discloses a *"supporting surface connected to the platform of the scanner"* in combination with *"an absorbing body located beneath the supporting surface capable of resilient deformation to absorb an external stress received by the supporting surface in response to an external force"*, as recited in claim 1.

Conversely, Kakizaki appears directed to printed circuit boards. Accordingly, Assignee submits that the Examiner has not established that Kakizaki anticipates the claimed *"supporting surface connected to the platform of the scanner"*. Additionally, Assignee submits that the Examiner has provided no rational as to why one of ordinary skill in the art of scanners would be motivated by the disclosure of Kakizaki to arrive at the claimed invention. In the absence of the Examiner pointing to such a disclosure, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Kakizaki discloses the identical invention as is required for anticipation. See MPEP § 2131.

Second, Assignee respectfully submits that Kakizaki does not disclose the elements of independent claim 1 reciting *"an absorbing body located beneath the supporting surface capable of resilient deformation to absorb an external stress received by the supporting surface in response to an external force"* in combination with *"wherein said supporting structure is*

integrally formed with the scanner housing", as recited in claim 1. Assignee submits that the Examiner has not addressed this feature in the rejection. Conversely, Assignee submits that it appears that it may be physically impractical to modify the structures of Kakizaki to be integrally formed given the nature of the device therein. See Figure 5 of Kakizaki. Accordingly, Assignee cautions against combination of Kakizaki with other cited references, such as Prior Art Figures 1A and 1B. In the absence of the Examiner pointing to such a disclosure, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Kakizaki discloses the identical invention as is required for anticipation. See MPEP § 2131.

Likewise, claims 2 and 28-29 distinguish from Kakizaki on at least the same or similar basis as claim 1. Therefore, Assignee respectfully requests that Examiner's rejection of claims 2 and 27-29 be withdrawn.

Claims 1, 2, 11-14, 23-29, and 34-36 were rejected under 35 U.S.C. §102(b) as being anticipated by Prior Art Figures 1A and 1B of the present application.

Assignee respectfully submits that Prior Art Figures 1A and 1B do not disclose all of the elements of independent claim 1. Specifically, the Examiner has not established that Prior Art Figures 1A and 1B disclose "*an absorbing body located beneath the supporting surface capable of resilient deformation to absorb an external stress received by the supporting surface in response to an external force*", as recited in claim 1. In the Office Action the Examiner has asserted that:

Prior art figures 1A-1B discloses a scanner with a case body (102) for a platform (110) of glass or acrylic resin as disclosed in applicant's specification comprising: a housing (102) having an opening on which the platform is placed, and one or more support elements(112) mounted on interior walls of the housing, at least one of the support elements comprising: a supporting surface (flat horizontal edge of 112) on a top of each support element configured to contact the platform; and an **absorbing body** (the lower vertical section of 112 inherently shares the stress or weight received by the

supporting surface or the flat horizontal ledge of 112 since it is supporting the ledge) located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform. (See pages 3-4 of the Office Action, emphasis added.)

Conversely, the Prior Art Figures 1A and 1B are described in the specification of the present application as follows:

FIG. 1B is a perspective view of the lower housing provided in a conventional scanner apparatus. As shown, each of the block members 112 can be a set of ribs attached on an inner wall of the lower housing 102. However, the block members 112 are not sufficient to effectively absorb external shocks. Therefore, when an external force is applied on the platform 110, the block members 112 can not absorb the shock. As a result, the platform 110 will likely be damaged due to stress concentration in the block members 112. (See paragraph [0007] of the specification of the present application, emphasis added)

Accordingly, Assignee submits that the Examiner has not established that Prior Art Figures 1A and 1B anticipate the claimed "*absorbing body*" that is "*capable of resilient deformation to absorb an external stress received by the supporting surface in response to an external force*". In the absence of the Examiner pointing to such a disclosure, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that Prior Art Figures 1A and 1B disclose the identical invention as is required for anticipation. See MPEP § 2131.

Likewise, claims 2, 11-14, 23-29, and 34-36 distinguish from Prior Art Figures 1A and 1B on at least the same or similar basis as claim 1. Therefore, Assignee respectfully requests that Examiner's rejection of claims 2, 11-14, 23, and 24 be withdrawn.

Claim Rejections - 35 U.S.C. 103

Claims 3, 6, 9, 10, 15, 18, 21, and 22 stand rejected under 35 USC 103(a) as being unpatentable over Prior Art Figures 1A and 1B of the present application in view of US Patent No. 5,224,781 (hereinafter "Rohee").

In response, Assignee respectfully submits that claims 3, 6, 9, 10, 15, 18, 21, and 22 are not obvious, at least on the same or similar basis as claim 1 as set forth above with respect to the anticipation rejection in view of Prior Art Figures 1A and 1B. The Examiner is kindly reminded that the Examiner's initial burden of factually supporting any *prima facie* conclusion of obviousness includes that:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (See MPEP § 2143.03.)

Specifically, the Examiner has failed to establish that Prior Art Figures 1A and 1B teach or suggest "*an absorbing body located beneath the supporting surface capable of resilient deformation to absorb an external stress received by the supporting surface in response to an external force*", as recited in independent claim 1. Additionally, the Examiner has not established that Rohee cures Prior Art Figures 1A and 1B of this failure. In the absence of the Examiner pointing to such a suggestion, Assignee requests that the rejection be withdrawn as the Examiner has failed to establish that the proposed combination renders claims 3, 6, 9, 10, 15, 18, 21, and 22 obvious.

Lastly, Assignee cautions against an attempt to cure Prior Art Figures 1A and 1B of this failure by combination with Kakizaki. Specifically, Assignee respectfully submits that Kakizaki appears directed to printed circuit boards. Accordingly, Assignee submits that the Examiner has provided no rational as to why one of ordinary skill in the art of scanners would be motivated by the disclosure of Kakizaki to arrive at the claimed invention. Further, Assignee submits that Kakizaki non-analogous prior art as printed circuit boards are neither in the field of the inventor's endeavor nor reasonably pertinent to the specific problem with which the inventor was involved with respect to platform scanners. See MPEP § 2141.01(a). Lastly, as discussed above, Assignee submits that it appears that it may be physically impractical to modify the structures of Kakizaki to be integrally formed given the nature of the device therein. See Figure 5 of

Kakizaki. Accordingly, Assignee cautions against combination of Kakizaki with other cited references, such as Prior Art Figures 1A and 1B. .

It is noted that claimed subject matter may be patentably distinguished from the cited references for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3703.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, James J. Lynch, at (503) 439-6500 if there remains any issue with allowance.

Respectfully submitted,
Attorney for Assignee

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